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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,558	11/11/2003	Robert F. Smith	188/1	6911

7590 02/09/2006

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,558

Applicant(s)

SMITH ET AL.

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 2/13/04 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Card (US 63,468) in view of Meekma et al. (US 6,539,758).

Regarding claim 1, Card discloses a clamp assembly for securing a first article to a second article, comprising: first and second spaced-apart article holders for engaging respective first and second articles; an elongated gear rack (B) interconnecting said first and second article holders (F&G); a pinion (C) operatively engaging said gear rack and adapted for moving said first article holder along said gear rack relative to said second article holder; a locking bar (D) that meshes with respective teeth of said gear rack in a locked position; means (handle/spring) for moving said locking bar between the locked position and a released position, such that: (i) in the locked position, the meshing teeth of said locking bar and gear rack cooperate to prevent linear movement of said first article holder relative to said second article holder, thereby securing the first article

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holder to the second article holder; and (ii) in the released position, the teeth of said locking bar and gear rack are sufficiently disengaged to allow free linear movement of the first article holder along said gear rack relative to the second article holder. Card fails to disclose the locking bar having a plurality of teeth, as his only has a single tooth that engages only a single tooth of the gear rack.

Meekma et al., however, also discloses an elongating device with a lock bar (6), that, when engaged with the teeth of the gear rack (5), prevents linear movement of the gear rack. Meekma et al. teaches that when such a lock bar has a plurality of teeth for engaging the teeth of the gear rack, it provides a stronger locking mechanism than a lock bar that engages only one tooth of the gear rack (col. 6 lines 5-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the clamp assembly of Card by including a plurality of teeth on the lock bar, as taught by Meekma et al., so that the lock bar engaged more than one tooth of the gear rack and thus acted as a stronger locking mechanism.

Regarding claim 2, the clamping device of Card includes a knob (E), effectively satisfying the limitations of the claim.

Regarding claim 3, the clamping device of Card includes a gear housing (A) fixed to said first article holder, and defining a through channel for accommodating linear movement of said housing along a length of said gear rack, effectively satisfying the limitations of the claim.

Regarding claim 4, the gear housing of Card includes a biasing means (R) for normally urging said locking bar into the locked position, effectively satisfying the limitations of the claim.

Regarding claim 5, the clamping device of Card includes a release arm connected to said locking bar and adapted for being pulled against the force of said biasing means to disengage said locking bar from the locked position, effectively satisfying the limitations of the claim.

Regarding claim 8, when providing more teeth on the lock bar of Card as taught by Meekma et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to include more than two teeth, as Meekma et al. teaches that the more teeth there are, the more locking ability the lock bar will have.

Regarding claim 10, the first and second article holders (F&G) of Card each has a length dimension greater than two times its width dimension, effectively satisfying the limitations of the claim.

4. Claims 9, 11-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Card in view of Meekma et al., as applied in paragraph 3 above, and further in view of Stankiewicz (US 5,996,736).

Regarding claim 11, the modified Card device, as applied to claim 1 above, provides all of structure required by claim 11, but does not teach the clamping device being used in conjunction with a vehicle ladder rack.

Stankiewicz, however, also discloses a clamp member very similar to that of the modified Card device and teaches that such a clamp can be used in conjunction with a

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vehicle ladder rack (abstract). Stankiewicz teaches that one spaced-apart holder is secured against a ladder rack and the other spaced-apart holder is secured around a portion of a ladder, so that then the clamp device is tightened, the ladder is securely held to the ladder rack. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the modified Card device in conjunction with a vehicle ladder rack, as taught by Stankiewicz, in order to securely hold a ladder to a ladder rack.

Regarding claim 12, the modified Card device includes a knob (E), effectively satisfying the limitations of the claim.

Regarding claim 13, the modified Card device includes a gear housing (A) fixed to said first article holder, and defining a through channel for accommodating linear movement of said housing along a length of said gear rack, effectively satisfying the limitations of the claim.

Regarding claim 14, the gear housing of the modified Card device includes a biasing means (R) for normally urging said locking bar into the locked position, effectively satisfying the limitations of the claim.

Regarding claim 15, the clamping device of the modified Card device includes a release arm connected to said locking bar and adapted for being pulled against the force of said biasing means to disengage said locking bar from the locked position, effectively satisfying the limitations of the claim.

Regarding claim 18, when providing more teeth on the lock bar of Card as taught by Meekma et al., it would have been obvious to one having ordinary skill in the art at

the time the invention was made to include more than two teeth, as Meekma et al. teaches that the more teeth there are, the more locking ability the lock bar will have.

Regarding claims 9 and 19, the device of Card in view of Meekma et al. discloses the claimed invention except for the first and second article holders each having a generally U-shaped channel.

Stankiewicz, however, teaches that it is known in the art for the first and second article holders of such clamping devices to have generally U-shaped channels (28&30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the first and second article holders of the modified Card device with U-shaped channels, as taught by Stankiewicz, so that the clamping device better held a ladder to a ladder rack.

Regarding method claim 20, Stankiewicz teaches that a first article holder is secured against a ladder rack; a second article holder is secured against a ladder rung, and the clamp is brought to a locked position to securely holder the ladder to the ladder rack. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the modified Card device in the same manner when attaching a ladder to a ladder rack, effectively satisfying the limitations of the claim.

Allowable Subject Matter

5. Claims 6, 7, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Friday, 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JML
2/2/06


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER